

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CV-582-D

ROBERT D. PLEMMONS,

Plaintiff,

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,

Defendant.

ORDER

On February 5, 2019, Magistrate Judge Numbers issued a Memorandum and Recommendation (“M&R”) [D.E. 19] and recommended that plaintiff’s motion for judgment on the pleadings [D.E. 12] be granted, that defendant’s motion for judgment on the pleadings [D.E. 15] be denied, and that the action be remanded to the Commissioner. Neither party objected to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and the briefs. The court is satisfied that there is no clear error on the face of the record. See Thomas v. Berryhill, No. 17-2215, 2019 WL 193948, at *4–5 (4th Cir. Jan. 15, 2019). Accordingly, the court adopts the conclusions in the M&R [D.E. 19].

Plaintiff's motion for judgment on the pleadings [D.E. 12] is GRANTED, defendant's motion for judgment on the pleadings [D.E. 15] is DENIED, and the action is REMANDED to the Commissioner pursuant to 42 U.S.C. § 405(g).

SO ORDERED. This 26 day of February 2019.

James C. Dever
JAMES C. DEVER III
United States District Judge